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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,360	03/31/2006	Panagiotis Anagnostopoulos	8043-96989	5850

66919 7590 09/23/2008  
PYLE & PIONTEK  
ATTN: THOMAS R. VIGIL  
221 N LASALLE STREET , ROOM 2036  
ROOM 2036  
CHICAGO, IL 60601

EXAMINER
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TOLAN, EDWARD THOMAS

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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09/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,360	<b>Applicant(s)</b> ANAGNOSTOPOULOS ET AL.	
	<b>Examiner</b> EDWARD TOLAN	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and have grammatical and idiomatic errors.

Claim 1 recites the limitations "the smallest diameter" in line 3, "the final under production" in line 4, "the initial" in line 5, "the instance" in line 5, "the selected diameter" in line 6, "the inner side" in line 6, "the outside" in line 7, "the spring advancement sense" in line 8, "the energy" in line 9, "the selected dimension" in line 10, "the spring turn" in line 10, "the same spring turn" in line 11 and "the selected pitch" in line 11. There is insufficient antecedent basis for these limitations in the claim.

Claim 6 recites the limitations "the initial spring" in line 4, "the emerging spring turn" in line 6 and "the outside" in line 9. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. (4,444,036) in view of Bruce (4,937,937). Shibata discloses a method and apparatus for producing circular and barrel shaped springs consisting of a central revolving roller (24) and pressure contacting other rollers (16,18) that bend wire (40) to create an initial spring (column 3, lines 44-48). Shibata discloses an elbow member (34) with a suitable pin (37) that encapsulates an emerging spring turn (46a) from its inner and lower side. The elbow (34) is connected to an axle (36) with the elbow member and axle resting on a base (10). The axle (36) rotates about its axis (column 7, lines 18-20) and the elbow and pin are movable toward an outside of the spring (vertically, column 3, lines 32 and 33) and simultaneously are movable along a direction of a spring axis (column 4, line 7). Shibata discloses selective motion of the rollers (16,18,24) (column 6, lines 18-24). Shibata discloses an electronic controller (50) for coordinated movement of the rollers (16,18,24) and pin (37). Shibata does not disclose that the pin enlarges an initial spring diameter to create a final spring dimension. Bruce teaches pin (5) that is movable toward an outside of a circularly bent work (7) in

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order to increase a radius of curvature of the work (column 3, lines 52-62) from a value 2% less than a required radius. It would have been obvious to one skilled in the art at the time of invention to move the pin of Shibata outwardly as taught by Bruce in order to increase a radius/diameter of the spring in order to form a different spring size.

Regarding claim 7, the provision of more than one pin and elbow is a duplication of existing parts and would have been an obvious matter of design choice for the skilled artisan at the time of invention in order to hold or enlarge more than one spring section.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

/Edward Tolan/

Primary Examiner, Art Unit 3725